

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

JESSICA LYNN MONK  
1008 Doyle Road  
Street, Maryland. 21154

Plaintiff

Vs.

UNITED STATES OF AMERICA

**SERVE ON:**

William Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530-0001

**SERVE ON:**

Robert K. Hur  
United States Attorney  
District of Maryland  
36 South Charles Street, 4<sup>th</sup> Floor  
Baltimore, Maryland. 21201

And;

UNITED STATE POSTAL SERVICE  
475 L'Enfant Plaza  
SW Washington, D.C. 20590

**SERVE ON:**

Thomas J. Marshall  
General Counsel  
United State Postal Service  
475 L'Enfant Plaza  
SW Washington, D.C. 20590

Defendants

**CASE NO.:**

\* \* \* \* \*

**COMPLAINT**

NOW COMES the Plaintiff Jessica Lynn Monk, by and through her attorneys, Milton P. Warren, Esq., and Jack Terziu, Jr., Esq., and sues Defendant United States of America and Defendant United States Postal Service and for her cause of action respectfully states:

### **INTRODUCTION**

This action for personal injury based on negligence is brought against the United States of America and the United States Postal Service, (hereinafter referred to as “Defendant”) pursuant to the Federal Tort Claims Act, U.S.C., 1346 (b), 2401 (b), and 2671-2680. Plaintiff Jessica Lynn Monk is a civilian who was injured while driving her automobile on a public roadway located in Harford County, State of Maryland on the subject date of occurrence and was injured as a result of alleged negligence by United States Postal Service mail truck operator Marilyn Ruth Poe, who was at all times relevant to the matters alleged in this Complaint an employee, agent and/or servant of Defendant United States Postal Service, which is an independent agency of the executive branch of the United States government. Jessica Lynn Monk sustained bodily injuries at the said motor vehicle collision site due to the negligence of the United States Postal Service.

### **PARTIES, JURISDICTION AND VENUE**

1. At all times relevant herein the Jessica Lynn Monk was and is a resident of Harford County, State of Maryland.
2. At all times relevant to the matters alleged in this Complaint, the Defendant is the United States of America, who, through its agency, Defendant United States Postal Service, owns and operates, the subject United State mail truck, the white 1988 Chevrolet model LLV, VIN:1GBBS10EXJ2306072, involved in the subject motor vehicle collision dated June 2, 2017.
3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.

1346(b).

4. Venue is proper in this District pursuant to 28 U.S.C. 1402(b) because Maryland is where the Plaintiff resides and where the subject occurrence took place.

### **TIMELINESS**

5. This action is timely filed pursuant to 28 U.S.C. 2675(a) because an administrative claim was timely presented to and filed with the United States Postal Service, Office of the General Counsel, Office of General Law on January 23, 2019. (*Exhibit A attached Hereto*). Acknowledgment and determination of said claim was given to our office on January 25, 2019. (*Exhibit B attached hereto*). From this time, we are permitted to six (6) months – until July 23, 2019, pursuant to 39 C.F.R. 912.6(c) to file suit in the appropriate court.

### **FACTS COMMON TO ALL COUNTS**

Plaintiff adopts by reference the allegations contained in paragraphs above of this Complaint with the same effect as if herein fully set forth.

6. On or about June 2, 2017, at approximately 12:00 P.M., the Plaintiff Jessica Lynn Monk was driving her automobile southbound on Maryland Route 165 approaching the intersection of same with Graceton Road, a roadway controlled by a ‘stop sign’ traffic control device. As the Plaintiff approached said intersection, suddenly and without any warning, the operator of the Defendant’s vehicle, United States Postal Service employee Marilyn Ruth Poe, failed to yield the right of way to Plaintiff’s favored vehicle and struck the front end of Plaintiff’s vehicle thereby causing the Plaintiff’s vehicle to overturn, thereby causing the Plaintiff to strike the interior of her vehicle violently resulting in several bodily injuries to the Plaintiff as alleged hereinbelow.

**COUNT ONE**

**(NEGLIGENCE)**

Plaintiff Jessica Lynn Monk adopts by reference the allegations contained in paragraphs above of this Complaint with the same effect as if herein fully set forth and sues Defendant United States of America and Defendant United States Postal Service and for cause of action states:

7. On the day and at the time of the accident which is the subject matter of this Complaint, Defendant operator Marilyn Ruth Poe was acting as the agent, servant and/or employee of Defendant United States Postal Service.
8. That the Defendants were negligent in the following manner:
  - a. Failing to yield to another favored motor vehicle in violation of §21-401, et seq., Transportation Article, Maryland Annotated Code;
  - b. Failing to control a vehicle so as to avoid injury to nearby persons;
  - c. Driving negligently;
  - d. Negligently and recklessly operating a motor vehicle as a general manner;
  - e. Failing to keep a proper lookout; and in other general respects negligently operated a motor vehicle.
9. The collision was caused solely and proximately by the negligence of Defendant United States Postal Service without any negligence or want of due care on the part of the Plaintiff thereunto directly contributing.
10. As a direct and proximate result of the aforesaid acts of negligence, the Plaintiff was suddenly thrown against the inside of the automobile in which she was driving and received severe, painful and permanent injuries to various parts of her body, including but not limited to permanent spinal cord injury(s), lacerations, muscle strains and sprains, bruising, as well as

severe and protracted shock to her nervous system, all of which have caused her and will continue to cause her great pain and mental anguish.

11. As a further direct result of the negligence of the Defendant, the Plaintiff has been forced to expend and will continue to expend in the future large sums of money for hospitalization, x-rays, doctors, nurses, medical treatment and medicines in the treatment of the aforesaid injuries, and the Plaintiff have been forced to sustain a permanent disfigurement, loss of strength and range of motion, property damage, diminution of earning capacity and other general losses.

**WHEREFORE**, Plaintiff Jessica Lynn Monk brings this suit against the Defendant United States of America and Defendant United States Postal Service and claims damages under Negligence for economic damages, non-economic damages and compensatory damages in the amount of One Million, Two Hundred Thousand Dollars (\$1,200,000.00), plus costs.

**COUNT TWO**

**(NEGLIGENT HIRING, RETENTION AND/OR SUPERVISION)**

Plaintiff Jessica Lynn Monk, by her attorneys Milton P. Warren, Esq., and Jack Terziu, Jr., Esq., sues the Defendant United States of America and Defendant United States Postal Service and for cause of action states:

12. Plaintiff Jessica Lynn Monk incorporates the facts and allegations contained in paragraphs one (1) through eleven (11) inclusive herein, as if fully set forth herein.

13. That at all times relevant to this case, Defendant United State Postal Service employed Marilyn Ruth Poe as the driver of the subject postal mail truck involved in the subject occurrence.

14. That upon information and belief, the Defendant United States Postal Service driver Marilyn Ruth Poe was involved in three (3) prior motor vehicle incidents and/or collisions

prior to the subject motor vehicle incident and/or collision dated June 2, 2017, giving rise to the filing of this Complaint.

15. That the Defendants United States of America and Defendant United States Postal Service knew or should have known of this significant prior driving history of employee Marilyn Ruth Poe.

16. That the Defendant United States of America and Defendant United States Postal Service had a duty to use reasonable care to select an employee who was competent and fit to perform the duties of a postal mail carrier. The Defendant United States of America and Defendant United States Postal Service had actual knowledge of postal carrier Marilyn Ruth Poe's prior driving history indicating collisions and/or prior acts of motor vehicle negligence. The Defendant United States of America and Defendant United States Postal Service allowed postal carrier Marilyn Ruth Poe to continue to deliver mail while driving on Maryland roads with a reasonable and prudent employer would not have ignored such indications of Marilyn Ruth Poe's unfitness for such duties. The Defendant United States of America and Defendant United States Postal Service knew or should have known that Marilyn Ruth Poe would be likely to be in contact with other drivers on Maryland roadways and/or member of the general public. That the Plaintiff Jessica Lynn Monk was a member of the public who would foreseeably come into contact with defendant employee Marilyn Ruth Poe on a Maryland roadway. Therefore, the Defendant United States of America and Defendant United States Postal Service owed such a duty to Plaintiff Jessica Lynn Monk and such duty was breached.

17. Because of Marilyn Ruth Poe's prior driving history of collisions and/or occurrences, the likelihood of the risk of her being causing another motor vehicle collision with a member of the public was foreseeable. The Defendant United States of America and Defendant United States Postal Service knew or should have known that defendant employee Marilyn Ruth Poe

was not competent or fit for the duties of postal truck carrier and/or driver. The Defendant United States of America and Defendant United States Postal Service breached their duty to use reasonable care to select an employee that was competent and fit for the position of postal carrier and/or driver.

18. As a result of Defendants' negligence in hiring, retaining and/or supervising Marilyn Ruth Poe in the position of postal carrier and/or postal driver, Plaintiff Jessica Lynn Monk was severely injured as alleged.

**WHEREFORE**, the Plaintiff Jessica Lynn Monk brings this suit against the Defendants United States of America and United States Postal Service under Negligent Hiring, Retention and/or Supervision for economic damages, non-economic damages and compensatory damages in the amount of One Million, Two Hundred Thousand Dollars (\$1,200,000.00), plus costs.

/s/ Jack Terziu, Jr., Esq.

Jack Terziu, Jr. (Fed.Bar No. 28836)  
2211 Eastern Boulevard  
Baltimore, Maryland. 21220  
(410) 443-570-8029  
(410) 687-4744 (fax)  
[terziulaw@gmail.com](mailto:terziulaw@gmail.com)  
*Attorney for Plaintiff*

/s/ Milton P. Warren, Esq.

Milton P. Warren (Fed.Bar No. 28817)  
204 W. Jarrettsville Road  
Forest Hill, Maryland. 21050  
(410) 979-4500  
410-420-9448 (fax)  
[brndmilton@verizon.net](mailto:brndmilton@verizon.net)  
*Attorney for Plaintiff*